

## **REMARKS**

By the present communication, claims 1, 9, 36, 49 and 53 are amended; new claims 67-71 are added; and claims 59-62 and 64-66 are canceled. No new matter is introduced by the amendment as the new and amended language is supported by the application as originally filed. A complete listing of the claims as currently pending, with appropriate status identifiers included, is found on pages 3-12 of this document. After entry of the claim amendments, claims 1-38, 49-51, and 53-58 will be pending in the application. Applicants respectfully request reconsideration of the present application in view of the foregoing amendment and in view of the reasons that follow.

### **I. Examiner Interview Summary**

Applicant's Representative, the undersigned, thanks Examiner Anderson for courtesies extended in the telephonic interview on May 9, 2008. During the interview the written description rejection for claims 53-55 and 64 was discussed, as well as the scope of enablement rejections for claims 1-38, 49-51, 53-62 and 64-66 and claim objections to claims 65-66. The Examiner tentatively indicated that the present amendment would overcome all pending rejections.

### **II. Claim Objections**

Claim 65 and Claim 66 stand objected to under 37 CFR 1.75 as allegedly being substantial duplicates of Claim 57 and Claim 58 respectively. Although Applicants respectfully disagree with the Examiner and maintain that the scope of claim 65 and claim 66 differ from that of claim 57 and claim 58 respectively, Applicants have canceled claims 65 and 66 in order to expedite prosecution of this application. The objections are therefore rendered moot.

### **III. Rejections Under 112, First Paragraph**

Claims 53-55 and 64 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly failing to comply with the written description requirement for reciting the phrase "active metabolite." Although Applicants respectfully disagree with the Examiner, solely to expedite

prosecution, Applicants have amended claim 53 to delete the phrase “an active metabolite thereof.” Withdrawal of this ground of rejection is respectfully requested.

Claims 1-38, 49-51, 53-62 and 64-66 stand rejected under 35 U.S.C. § 112, first paragraph as allegedly lacking enablement for the full scope of the claims. The cancellation of claims 59-62 and 64-66 render the rejection moot with respect to these claims. With regard to the remaining claims, Applicants respectfully disagree with the rejection for the reasons of record (see pp. 16-22, Amendment and Reply dated 3/2/2007). However, to expedite prosecution, Applicants have amended claims 1, 9, 36, 49, and 53 to recite “the cancer comprises cells expressing a receptor tyrosine kinase, selected from the group consisting of FLT-1, VEGFR2, VEGFR3, FGFR1, FGFR3, c-Kit, and FLT-3, comprising administering to a subject having said cancer.” As the Examiner indicated that the claims are enabled for cancers expressing said receptor tyrosine kinases, Applicants submit that the rejection is overcome.

In view of the abovementioned amendment, Applicants respectfully request that the Examiner reconsider and withdraw the present rejection to claims 1-38, 49-51, and 53-58.

#### **IV. New Claims**

New claims 67-71 depend from independent claims 1, 9, 36, 49, and 53, respectively. Support for the new claims may be found at paragraphs 18, 47, and 82, the Examples, and claim 30 as originally filed. Applicants respectfully submit that claims 67-71 are patentable for the same reasons as the claims from which they depend. Accordingly, Applicants respectfully request that the Examiner allow these claims to move forward to issuance.

**CONCLUSION**

Applicants believe that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. If any issues remain to be resolved in view of this amendment and reply, the Examiner is requested to contact the undersigned by telephone to achieve a prompt disposition thereof.

Respectfully submitted,

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